

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) CARRIE FRICKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-16-1350-HE
	)	
(1) THE STANDARD FIRE INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant The Standard Fire Insurance Company (“Defendant”), files this Notice of Removal of this case from the District Court of Oklahoma County, Oklahoma. In support of removal, Defendant states the following:

1. On October 4, 2016, Plaintiff Carrie Fricker filed a Petition in the District Court of Oklahoma County, Oklahoma, captioned *Carrie Fricker v. The Standard Fire Insurance Company*, Case No. CJ-2016-5066 (“State Court Action”).

2. Defendant was served via certified mail with the Summons and Petition in the State Court Action on November 8, 2016.

3. Defendant is filing this Notice of Removal within thirty (30) days after service of Plaintiff’s Petition. Thus, under 28 U.S.C. § 1446(b), Defendant’s time to remove has not yet expired.

4. Plaintiff is a resident of the State of Oklahoma. Defendant is a Connecticut corporation with its principal place of business in Hartford, Connecticut. Therefore, complete diversity exists between the parties to this case.

5. In addition to complete diversity existing, the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs, establishing this case is properly removed pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. Specifically, Plaintiff alleges in her Petition that she seeks “[o]ther damages to be set forth after discovery; all of which [sic] in amount more then [sic] than the amount required for diversity jurisdiction pursuant to Section 1332 of Title 28 of the United States Code.” *See* Petition, Ex. 2.

6. The United States District Court for the Western District of Oklahoma is the appropriate court for filing a Notice of Removal from the State Court where Plaintiff’s State Court Action is pending, and accordingly, Defendant seeks to remove the State Court Action to this Court.

7. Upon receiving the federally-filed Notice of Removal, Defendant will file a copy of the Notice of Removal with the State Court, and will provide written notice to all counsel, all in accordance with 28 U.S.C. § 1446(d).

8. Pursuant to 28 U.S.C. § 1446 and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed and/or served in the District Court of Oklahoma County, Case No. CJ-2016-5066 are attached hereto. See Docket Sheet, Ex. 1; Petition, Ex. 2; Summons, Ex. 3.

9. Under the provisions of 28 U.S.C. §§ 1441(a), (b), and (c), and all other applicable statutes, all of which Defendant The Standard Fire Insurance Company has complied with, this cause of action is removable to the United States District Court for the Western District of Oklahoma.

Respectfully submitted,

s/Melanie K. Christians

Derrick T. DeWitt, OBA #18044

Melanie K. Christians, OBA #30846

NELSON TERRY MORTON

DeWITT & PARUOLO

P.O. Box 138800

Oklahoma City, OK 73113

Phone: (405) 705-3600

Fax: (405) 705-2573

[dewitt@ntmdlaw.com](mailto:dewitt@ntmdlaw.com)

[mchristians@ntmdlaw.com](mailto:mchristians@ntmdlaw.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

This is to certify that on the 28<sup>th</sup> day of November, 2016, the above document was electronically transmitted to the Clerk of the Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Andrew D. Schwartz, OBA #17338  
WEST YLLA GOSNEY  
8 SW 89<sup>th</sup> Street, Suite 200  
Oklahoma City, OK 73139  
(405) 378-8132  
(405) 378-0711 (Fax)  
[dschwartz@wyglawfirm.com](mailto:dschwartz@wyglawfirm.com)  
*Attorneys for Plaintiff*

s/Melanie K. Christians